

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

KENNETH MERCADO,

Defendant.

15 Cr. 608-8 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On August 31, 2017, Defendant Kenneth Mercado was sentenced principally to an aggregate term of imprisonment of one hundred forty-two (142) months, comprising a term of eighty-two (82) months' imprisonment on Count One followed by a consecutive term of sixty (60) months' imprisonment on Count Eleven.

On November 6, 2023, Defendant Mercado filed a motion requesting that this Court consider a sentence reduction pursuant to Amendment 821 to the United States Sentencing Guidelines, which amendment went into effect on November 1, 2023, and applies retroactively. (Doc. #653). The United States Probation Department has issued a report indicating that Mr. Mercado is not eligible for a sentence reduction.

The Court has considered the record in this case, and the submissions on this motion. The Court finds that Defendant Mercado is ineligible for a reduction in sentence because his original sentence is below even the reduced Guidelines range, and thus DENIES his motion. The Clerk of Court is directed

to terminate the motion at docket entry 653, and is further directed to mail a copy of this Order to Defendant Mercado at the following address:

Kenneth Mercado  
USM No. 72789-054  
FCI Terre Haute  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

SO ORDERED.

Dated: January 19, 2024  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge